

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 3-10 and 12 have been canceled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 2 and 11 are pending and under consideration. Reconsideration is respectfully requested.

OBJECTION TO THE TITLE:

In the Office Action, at page 2, the title was objected to as not being descriptive. In view of the proposed amended title set forth above, the outstanding objection to the title should be resolved.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at pages 2-3, claims 3, 5-7 and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by Ryu et al. (USPN 6,456,007). This rejection is traversed and reconsideration is requested.

Claims 3-10 and 12 have been cancelled. Thus, the rejection of claims 3, 5-7 and 12 under 35 U.S.C. §102(e) as being anticipated by Ryu et al. (USPN 6,456,007) is moot.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 3-5, claims 1, 2, 8, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryu et al. (USPN 6,456,007). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The date of invention in the instant invention is at least February 12, 1999, which is the foreign priority date of the Japanese Patent Application No. 11-033932 based upon the prior filing of the foreign counterpart to the instant application in the Japanese Intellectual Property Office under 35 U.S.C. §119. A copy of the foreign counterpart was previously filed, as acknowledged by the Examiner on page 1 of the Office Action.

Further, enclosed is an English translation of Japanese Application No. 11-033932 along with a corresponding statement from the translator in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least February 12, 1999. MPEP 210.15. Since this date of invention is prior to the filing of Ryu

et al. on September 13, 1999, Ryu et al. does not qualify as prior art under 35 U.S.C. 103(a). Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 1, 2, 8 and 9 in view of Ryu et al.

ALLOWABLE SUBJECT MATTER:

Claim 11 was allowed and remains pending.

Claims 4 and 10 were objected to, but have been cancelled.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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